

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Wanda Renae Scott,	)	
	)	
Plaintiff,	)	Civil Action No. 6:15-1944-MGL-KFM
	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
vs.	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

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This is a civil action filed by a *pro se* litigant. Under Local Civ. Rule 73.02(B)(2)(D.S.C.), pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge. This case is on remand from the District Court. In a Report and Recommendation (doc. 9) filed in this case on May 20, 2014, the undersigned recommended summary dismissal of this case because of Eleventh Amendment immunity. The plaintiff filed written objections to the Report and Recommendation, and also filed various motions. In an order filed in this case on February 10, 2015, the Honorable Mary G. Lewis, United States District Judge, declined to adopt the Report and Recommendation, but denied the various motions filed by the plaintiff (doc. 24).

The plaintiff filed a Notice of Appeal on February 12, 2015. On August 27, 2015, the United States Court of Appeals for the Fourth Circuit dismissed the appeal as interlocutory. See *Wanda Renae Scott v. State of South Carolina*, No. 15-1451, 2015 WL 5042482 (4<sup>th</sup> Cir. Aug. 27, 2015). On September 8, 2015, the undersigned issued an order directing the plaintiff, within twenty-one days, to bring this case into "proper form" by submitting a summons and a Form USM-285 for the defendant (doc. 46). The deadline for the plaintiff to comply with the order of September 8, 2015, was Friday, October 2, 2015.

On October 5, 2015, the plaintiff filed a five-page motion for voluntary dismissal *without prejudice* (doc. 48).

It is recommended that the plaintiff's motion for voluntary dismissal (doc. 48) be granted and that this case be dismissed *without prejudice*. The attention of the plaintiff is directed to the notice on the next page.

s/ Kevin F. McDonald  
United States Magistrate Judge

October 8, 2015  
Greenville, South Carolina

### **Notice of Right to File Objections to Report and Recommendation**

The plaintiff is advised that she may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk of Court  
United States District Court  
300 East Washington Street — Room 239  
Greenville, South Carolina 29601**

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4<sup>th</sup> Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4<sup>th</sup> Cir. 1984).